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Daniel A. Collens

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SWERNOFSKY LAW GROUP PC  
P.O. BOX 390013  
MOUNTAIN VIEW, CA 94039-0013

EXAMINER

BAUM, RONALD

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/616,698	<b>Applicant(s)</b> COLLENS ET AL.	
	<b>Examiner</b> RONALD BAUM	<b>Art Unit</b> 2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20071130</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in reply to applicant's correspondence of 13 November 2007.
2. Claims 16-48 are pending for examination.
3. Claims 16-48 are rejected.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 32-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, in that the disclosed invention is inoperative and therefore lacks utility. The use of the phrase "A physical medium maintaining ..." is improper in that the examiner assumes the applicant is directing the claims towards an embodied software method, whereas the proper phrasing of the claim language must deal with software stored on a media read by a computer, etc., (assuming any amended phrase language is supported by the specification), and is therefore clearly inoperative and lacks utility. Correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 22, 29-31, 38 and 44-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 22, 29-31, 38 and 44-47 the phrases "capable of " and "coupleable to " renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention (See MPEP § 2173.05(d)), insofar as "capable of " and "coupleable to " are not positive limitations but only requires the ability to so perform. It does not constitute a limitation in the patentable sense. In re Hutchison, 69 USPQ 138.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 16-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al, U.S. Patent 6,226,618 B1.

7. As per claim 16; “A method, including steps of at a first node in a network,  
distributing digital content to a second node in that network,  
that digital content representing at least a portion of a media stream,  
at least a portion of that digital content

being encrypted by

a first encryption key [*Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-III, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured content (' digital content representing at least a portion of a media stream '), secured meta-data, secured licensing/metering and secured cryptographic parameters & encryption/decryption key(s) communications between network node entities (i.e., content creators (' digital content ... encrypted ... first encryption key '), distributors, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of secured containers (SC), clearly encompasses the claim limitations, as broadly interpreted by the examiner.*]

those steps of distributing to a second node including steps of

(a) receiving a first decryption key,

that first decryption key

being encrypted by a second encryption key,

that second encryption key

being pre-assigned to that first node

[*Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-III,*

*VIII, IX, whereas the secure digital content  
electronic distribution system/methods utilization of  
separate secured licensing/metering and secured  
cryptographic parameters & encryption/decryption  
key(' receiving a first decryption key ... being  
encrypted by a second encryption key ')  
communications between network node entities (i.e.,  
content creators (' pre-assigned to that first node '),  
distributors (' distributing to a second node '),  
licensing/metering clearinghouses, and users/user  
presentation, display and rendering devices) via the  
use of SCs, clearly encompasses the claim  
limitations, as broadly interpreted by the  
examiner.];*

(b) decrypting that first decryption key  
using a second decryption key  
associated with that second encryption key,  
that second decryption key  
being pre-assigned to that first node

*[Abstract, figures 1-16 and accompanying  
descriptions, and more particularly sections I-III,  
VIII, IX, whereas the secure digital content*

*electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key (' decrypting that first decryption key ... a second decryption key ') communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.];*

(c) decrypting that digital content

*using that first decryption key [Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-III, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors ('decrypting that digital content ... using that first decryption key '), licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.];*

(d) re-encrypting at least a portion of that digital content  
using a re-encryption key [*Abstract, figures 1-16 and  
accompanying descriptions, and more particularly sections I-III, VIII, IX,  
whereas the secure digital content electronic distribution system/methods  
utilization of separate secured licensing/metering and secured  
cryptographic parameters & encryption/decryption key communications  
between network node entities (i.e., content creators, distributors (' re-  
encrypting at least a portion of that digital content ... using a re-  
encryption key '), licensing/metering clearinghouses, and users/user  
presentation, display and rendering devices) via the use of SCs, clearly  
encompasses the claim limitations, as broadly interpreted by the  
examiner.*].”.

As per claim 32, this claim is the apparatus claim for the method claim 16 above, and is  
rejected for the same reasons provided for the claim 16 rejection; “Apparatus including

a physical medium maintaining digital content representing at least a portion of a  
media stream, at least a portion of that digital content being encrypted by a first  
encryption key;

a physical medium maintaining a first decryption key,

that first decryption key

being encrypted by a second encryption key,

that second encryption key

being pre-assigned to that apparatus;  
a key decryption element coupled to that first decryption key,  
that key decrypting element having access to  
a second decryption key associated with  
that second encryption key,  
that second decryption key  
being pre-assigned to that apparatus;  
a content decryption element coupled  
to that digital content and  
to that first decryption key;  
a content re-encryption element coupled  
to at least a portion of that digital content and  
to a re-encryption key.”.

As per claim 48, this claim is the embodied software claim for the method claim 16 above, and is rejected for the same reasons provided for the claim 16 rejection.

8. Claim 17 additionally recites the limitation that; “A method as in claim 16, including steps of by a user of that digital content,  
receiving a decryption key  
associated with that re-encryption key.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-III, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses (' [receiving] a decryption key ... associated with that re-encryption key '), and users/user presentation (' by a user of that digital content '), display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 33, this claim is the apparatus claim for the method claim 17 above, and is rejected for the same reasons provided for the claim 17 rejection.

9. Claim 18 additionally recites the limitation that; “A method as in claim 16, including steps of receiving at least one of
- (a) that re-encryption key,
  - (b) a decryption key
- associated with that re-encryption key,
- at a server
- having access to
- that first decryption key.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-III, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses (' [receiving] ... re-encryption key ... a decryption key ... associated with that re-encryption key ... at a server '), and users/user presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 34, this claim is the apparatus claim for the method claim 18 above, and is rejected for the same reasons provided for the claim 18 rejection.

10. Claim 19 additionally recites the limitation that; “A method as in claim 16, including  
steps of receiving  
that re-encryption key  
from a server  
having access to  
that first decryption key.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-III, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured

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licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors (' [receiving] ... re-encryption key ... from a server '), licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 35, this claim is the apparatus claim for the method claim 19 above, and is rejected for the same reasons provided for the claim 19 rejection.

11. Claim 20 additionally recites the limitation that; "A method as in claim 16, wherein at least one pair of:

that first encryption key and

that first decryption key,

that second encryption key and

that second decryption key,

that re-encryption key and

a decryption key associated with

that re-encryption key,

include

associated keys in

a public-key cryptosystem.".

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-III, V, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key ('one pair ... encryption key ... decryption key ... public-key cryptosystem') communications between network node entities, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 36, this claim is the apparatus claim for the method claim 20 above, and is rejected for the same reasons provided for the claim 20 rejection.

12. Claim 21 additionally recites the limitation that; "A method as in claim 16, wherein at least one pair of:
- that first encryption key and
  - that first decryption key,
  - that second encryption key and
  - that second decryption key,
  - that re-encryption key and
  - a decryption key associated with
  - that re-encryption key,
- include

associated keys in  
a symmetric-key cryptosystem.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-III, V, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key (' one pair ... encryption key ... decryption key ... symmetric-key cryptosystem ') communications between network node entities, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 37, this claim is the apparatus claim for the method claim 21 above, and is rejected for the same reasons provided for the claim 21 rejection.

13. Claim 22 additionally recites the limitation that; “A method as in claim 16, wherein that second node includes one or more of:

a node in that network capable of  
performing those steps of  
distributing that digital content,  
a recipient user,  
a presentation device.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-III, VIII-X, whereas the secure digital content electronic distribution system/methods utilization of separate content creators, distributors (' second node ... distributing that digital content '), secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities, licensing/metering clearinghouses, and users (' a recipient user ')/user presentation, display and rendering devices (' a presentation device ')) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 38, this claim is the apparatus claim for the method claim 22 above, and is rejected for the same reasons provided for the claim 22 rejection.

14. Claim 23 additionally recites the limitation that; “A method as in claim 16, wherein  
that re-encryption key  
is responsive to information from  
that first node.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-V, VII-IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors (' re-encryption key ... responsive to information from [meta-data dealing with authorship of

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multimedia]"), licensing/metering [meta-data dealing with authorship multimedia compensation aspects] clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 39, this claim is the apparatus claim for the method claim 23 above, and is rejected for the same reasons provided for the claim 23 rejection.

15. Claim 24 additionally recites the limitation that; "A method as in claim 16, including steps of
- renewing or
- revoking
- a license associated with
- that media stream."

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-V, VII-IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing ('renewing ... revoking ... license ... media')/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

16. Claim 25 additionally recites the limitation that; “A method as in claim 16, wherein at least one of:
- (a) that first decryption key,
  - (b) a decryption key associated with that re-encryption key
- is associated with
- a set of restrictions on
  - a license to
  - that digital content.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-V, VII-IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing ('first decryption key ... decryption key associated with ... set of restrictions ... license ... digital content ')/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 40, this claim is the apparatus claim for the method claim 25 above, and is rejected for the same reasons provided for the claim 25 rejection.

17. Claim 26 additionally recites the limitation that; “A method as in claim 25, wherein

those licensing restrictions include at least one of:

- a first date or time at which

- presentation is allowed for that media stream;

- a last date or time at which

- presentation is allowed for that media stream;

- a limited number of

- presentations allowed for that media stream;

- a limited physical region at which

- presentation is allowed for that media stream;

- a charge, cost, fee, or subscription associated with allowing

- presentation of that media stream;

- a type of

- presentation device;

- an output format for

- a presentation device;

- a set of

- specific presentation devices;

- a bit rate, sampling rate, or other measure of granularity or precision for

- a presentation device.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-V, VII-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing ('

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restrictions ... date or time ... type of ... presentation device ... specific presentation devices ') /metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 41, this claim is the apparatus claim for the method claim 26 above, and is rejected for the same reasons provided for the claim 26 rejection.

18. Claim 27 additionally recites the limitation that; “A method as in claim 16, wherein a decryption key associated with that re-encryption key
- is pre-assigned to at least one of:
- that second node,
- a user of that digital content,
- a presentation device associated with
- a user of that digital content.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-V, VII-IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses, and users /user (' decryption key ... pre-assigned to ... a user

of that digital content ... presentation device ') presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 42, this claim is the apparatus claim for the method claim 27 above, and is rejected for the same reasons provided for the claim 27 rejection.

19. Claim 28 additionally recites the limitation that; "A method as in claim 16, wherein steps of distributing digital content to at least one of:

- (a) that first node,
- (b) that second node,
- (c) a user node

include

reading at least a portion of

that digital content from

physical media.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-V, VII-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors (' distributing digital content ... node ... user node ... digital content from ... physical media [CD, DVD,

etc.,]), licensing/metering clearinghouses, and users /user presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 43, this claim is the apparatus claim for the method claim 28 above, and is rejected for the same reasons provided for the claim 28 rejection.

20. Claim 29 additionally recites the limitation that; “A method as in claim 16, wherein that digital content includes at least one of:

metadata about that media stream;

some information capable of

inspection by a user other than

for presentation of that media stream.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-V, VII-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators (' digital content includes ... metadata about that media stream ... information ... inspection by a user [content author, artist, multimedia title, etc.,]), distributors, licensing/metering clearinghouses, and users /user presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 44, this claim is the apparatus claim for the method claim 29 above, and is rejected for the same reasons provided for the claim 29 rejection.

21. Claim 30 additionally recites the limitation that; “A method as in claim 16, including steps of

delivering, to a user of that digital content,

that digital content in a form

being locked against inspection or tampering

by that user;

separately delivering, to that user,

a license including

a content key capable of

unlocking that digital content,

that content key

being locked against inspection or tampering by devices

other than a selected presentation device

owned by that user;

wherein

the selected presentation device is associated with

a presentation device key,

a secure portion of the presentation device being capable of

unlocking that license using  
that presentation device key;  
with the effect that  
presentation of that digital content  
is restricted to  
that selected presentation device.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-V, VII-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses (' delivering, to a user ... content in a form ... locked against inspection or tampering [license access control/authorization aspects] ... '), and users/user presentation (' selected presentation device ... presentation device key ... unlocking that license ... presentation of that digital content ... restricted to ... presentation device '), display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 45, this claim is the apparatus claim for the method claim 30 above, and is rejected for the same reasons provided for the claim 30 rejection.

22. Claim 31 additionally recites the limitation that; “A method as in claim 16, including

steps of,

at a license server receiving an indication of

distribution of that digital content;

initiating delivery of

that first decryption key to

that first node;

separately initiating delivery of

a license for that digital content, that license including

a content key capable of

unlocking that digital content;

wherein that license is delivered in time to at least one of

(a) a user of that digital content,

(b) a device for presenting that digital content, or

(c) a node in that network.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-V, VII-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses (' at a license server ... indication of distribution... initiating delivery ... decryption key ... separately initiating delivery of ... license ... unlocking that digital content [license access control/authorization aspects] ... delivered in time to ... user ...

device for presenting ...'), and users/user presentation, display and rendering devices) via the use of SCs, clearly encompasses the claim limitations, as broadly interpreted by the examiner.).

As per claim 46, this claim is the apparatus claim for the method claim 31 above, and is rejected for the same reasons provided for the claim 31 rejection.

23. As per claim 47, this claim is the independent apparatus variation of claims 46 above, and is rejected for the same reasons provided for the claim 46 rejection; “Apparatus including

an input port coupleable to a network;

a receiving element coupled to that input port,

being disposed to receive an indication of

distribution of digital content

representing at least a portion of a media stream,

at least a portion of that digital content

being encrypted;

an output port coupleable to that network;

a sending element coupled to

(a) that output port,

(b) a physical medium maintaining a message including

information sufficient to decrypt that digital content,

(c) a physical medium maintaining a message including

information sufficient to re-encrypt that digital content, and

(d) a physical medium maintaining a separate message including  
information sufficient to access a license for that digital content, that  
license including a content key capable of unlocking that digital content;  
wherein that license is delivered in time to at least one of:  
a user of that digital content,  
a device for presenting that digital content, or  
a node in that network.”.

### ***Response to Arguments***

24. As per applicant’s argument concerning the lack of teaching by Sims of the various aspects of the original claims 1-15, the examiner has fully considered in this response to amendment; the arguments, and finds them not to be persuasive, and further consider the arguments moot in light of the new basis for rejection of the amended claims 16-48, associated with the change in the scope of the said claims.

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

26. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861 and unofficial email is Ronald.baum@uspto.gov. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063. The Fax number for the organization where this application is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner

/R. B./

Examiner, Art Unit 2139